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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,134	03/15/2002	Heon Pyeong Ji	46500-000102	1447

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EXAMINER

SNIDER, THERESA T

ART UNIT PAPER NUMBER

1744

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/088,134

Applicant(s)

JI ET AL.

Examiner

Theresa T. Snider

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/15/2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the 'exhaust flow passage formed between the main body and at least one of the wheels' must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. From the figures, particularly figure 6, the exhaust flow passage appears to be defined by/through the wheel rather than 'between' the wheel and the body. Further, there appears to be no 'space' between the body and the wheel that one could call a passage. It appears the wheel contacts the body

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is unclear as to where in the specification is disclosed that the filter is positioned 'without adhering'. It is unclear as to where in the specification is disclosed that the filter is positioned between the main body and the wheel. It appears to be located within the wheel (figure 5), as opposed to between the body and wheel.

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by SU1653730.

SU1653730 discloses a main body (fig. 1, #1).

SU1653730 discloses wheels rotatably mounted on either side of the body (fig. 1, #10).

SU1653730 discloses an exhaust flow passage formed between the main body and the wheels (fig. 1, #8).

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SU1653730 discloses an air exhaust filter provided at the exhaust flow passage (fig. 2, #7).

SU1653730 discloses the filter located on a bumper, therefore the filter is not adhered to the wheel or the main body (fig. 1, #7,11,10,1).

With respect to claim 2, SU1653730 discloses the exhaust flow passage formed by opening a portion of the main body (fig. 1).

6. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by JP8-252196.

JP8-252196 discloses a main body (fig. 1, #3,2).

JP8-252196 discloses wheels rotatably mounted on either side of the body (fig. 2, #13).

JP8-252196 discloses an exhaust flow passage formed between the main body and the wheels (figs. 2 and 6).

JP8-252196 discloses an air exhaust filter provided at the exhaust flow passage (figs. 2 and 6, #11).

JP8-252196 discloses the filter located on a cover, therefore the filter is not adhered to the wheel or the main body (fig. 5, #11,9,13).

With respect to claim 2, JP8-252196 discloses the exhaust flow passage formed by opening a portion of the main body (figs. 2 and 5-6).

Response to Arguments

7. Applicant's arguments filed 2/28/2005 have been fully considered but they are not persuasive. Applicant urges that the prior art fails to disclose the exhaust filter being located between the wheel and the main and body or not adhering to the wheel. Applicant is believed to be in error with his argument because SU1653730 discloses the filter located on a bumper, therefore the filter is not adhered to the wheel or the main body (fig. 1, #7,11,10,1). With respect to the filter being located 'between' the wheel and the main body, figure 2 of SU1653730 appears to illustrate a similar 'between' location as that of figure 6 of the claimed invention. JP8-252196 discloses the filter located on a cover, therefore the filter is not adhered to the wheel or the main body (fig. 5, #11,9,13). With respect to the filter being located 'between' the wheel and the main body, figures 5 and 3 of JP8-252196 appears to illustrate a similar 'between' location as that of figure 6 of the claimed invention.

Allowable Subject Matter

8. Claims 3-23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: the prior art discloses a device for exhausting from a vacuum cleaner having a main body, wheels rotatably mounted on either side of the body, an exhaust flow passage formed between the body and the wheels and an air exhaust filter provided in the passage HOWEVER fails to disclose or fairly suggest the wheel having a guide member connected to a guiding projection formed at the

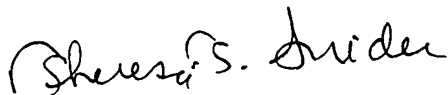
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side of the body with the air exhaust filter therein and a rolling member mounted around the guiding member to allow for movement along a surface.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Thursday (5:30am-2:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on (571) 272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Theresa T. Snider
Primary Examiner
Art Unit 1744

3/28/2005